

REMARKS

Applicants request favorable reconsideration and withdrawal of the rejections set forth in the above-mentioned Office Action in view of the foregoing amendments and the following remarks.

Claims 65 and 67-71 are pending, with claims 65 and 70 and being independent claims. Claim 72 has been cancelled without prejudice or disclaimer of subject matter.

Initially, Applicants note that the Office Action finds claim 72 to be directed to an invention that is independent or distinct from the invention originally-presented in the application. The Office Action then indicates that “claims 45 and 46” are withdrawn from further consideration. Applicants believe that the indication of claims 45 and 46 as being withdrawn from consideration is merely a typographical error, and instead the Office Action meant to indicate that claim 72 was withdrawn from further consideration, as is indicated on the Office Action Summary (PTO-326) with the Office Action. Applicants have herein cancelled claim 72, and, in view of the restriction requirement set forth in the Office Action, submit that the claim may be submitted in a subsequent divisional application stemming from the present application.

Claims 65 and 67-72 are provisionally rejected in the Office Action on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 4-6 and 22 of copending Application No. 10/010,947. Claims 65 and 67-72 are provisionally rejected on the ground of nonstatutory obvious-type double patenting as being unpatentable over claims 1-15, 41, 55-57, 60 and 68 of copending Application No. 08/836,213. Applicants again note that claim 72 is apparently withdrawn in the Office Action, and, therefore, Applicants believe the indication that this claim is also rejected is merely a typographical error.

Applicants respectfully traverse the rejection. Nevertheless, without conceding the propriety of the rejection and solely to expedite prosecution, Applicants are submitting herewith a Terminal Disclaimer over U.S. Patent Application Nos. 08/836,213 and

10/010,947. Applicants submit that the terminal disclaimer obviates the nonstatutory obvious-type double patenting rejections set forth in the Office Action.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration, withdrawal of the outstanding rejections to the claims, and passage to issue of the present application.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below

Respectfully submitted,

/Donald H. Heckenberg, Jr./

Donald H. Heckenberg, Jr.
Attorney for Applicants
Registration No. 60,081

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200
DHH:ntb

FCIS_WS 2099607v1